

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: VTR 1110

10 April 2014

Dear Mr Joyce,

Thank you for your Freedom of Information (Fol) request received on 9 March 2014. You asked:

"I am interested in filming my appointments at the Job centre Plus. Please confirm whether I have the legal right to insist that my appointments are filmed. Please note that any assertion of DWP "policy" must be made with reference to specific laws, ie. the response "DWP policy says no filming" will not be a sufficient answer. Please also note that any assertion of Health & Safety regulations must also be made with reference to specific laws or regulations.

Please also confirm whether DWP offices, specifically Job Centre Plus offices, are legally defined as Public or Privately owned spaces."

Please accept our apologies for our late response.

You do not have the legal right to insist that your appointments are filmed. As an employee and provider of public services, the Department must weigh up the rights of its individual customers with the rights and welfare of its employees and other customers.

In delivering its services to the public, the Department has a duty of care to both its employees and its customers to deliver those services in a safe environment, in accordance with health and safety legislation, specifically sections 2 and 4 of the Health and Safety at Work Act 1974 (and relevant subordinate legislation) and the Department's common law duty of care towards employees and customers entering its premises.

As well as the Department's statutory duty to ensure the health and safety of its employees and customers, the Department is entitled to ask visitors to its premises to comply with certain rules, to ensure the safety and welfare of its customers and employees. As with any other office, property or privately owned space, a person's entry into that property is subject to the rules that the owner of the property can reasonably ask visitors to comply with for the safety, comfort and welfare of others.

Not filming in the Department's offices is one such rule. Filming could adversely affect the welfare of the Department's employees and also breach the right to privacy of those employees as individuals. The Department's employees, even if working in a public facing function, are also individuals who have a right to privacy, as do the Department's customers. Filming without their consent is contrary to their right to privacy under Article 8 of the European Convention of Human Rights. Anyone wishing to film an individual (on either public or private property) must get that individual's consent to being filmed, as individuals have property rights

in how their image and likeness is used by others. Filming those individuals without their consent could breach those rights.

There is no specific law which states that DWP offices are either public or privately owned spaces. However, on most DWP premises (such as Job Centre Plus offices), the Department is delivering a service to the public on privately owned premises in which the Department owns the leasehold interest. As with any lease, there are certain covenants that must be complied with. It is not a public space like a park or public square. As private property, DWP is under a statutory duty to protect all those who enter the premises and can ask visitors and customers to comply with any reasonable rules to ensure its compliance with that overriding statutory duty.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745